

POLICY BULLETIN

CHILD NUTRITION PROGRAMS

NSLP 03-06

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SUBJECT: Establishing a Local Wellness Policy

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The following explains the requirement included in the Child Nutrition and WIC Reauthorization Act of 2004 that each local educational agency participating in a program authorized by the National School Lunch Act or the Child Nutrition Act establish a local wellness policy by the beginning of School Year 2006-2007.

(SP 05-21)

An alarming number of our children are inactive and do not eat well. These unhealthy practices can have serious health consequences that may begin during school-age years and continue into adulthood. One of the biggest consequences is the risk of becoming overweight. Sixteen percent of school-age children and adolescents or nine million students are overweight, a figure that has risen three-fold since 1980. The nation's schools can play a critical role in combating problems associated with poor nutrition and inactivity.

Recognizing the role schools can play in combating these problems, Congress included in the Child Nutrition and WIC Reauthorization Act of 2004 a requirement that each local educational agency (LEA) participating in a program authorized by the National School Lunch Act or the Child Nutrition Act establish a local wellness policy by the beginning of School Year 2006-2007. If LEAs are already working on student wellness issues and/or have an existing infrastructure, such as a school health council under the Coordinated School Health Program, Team Nutrition, or the Carol M. White Physical Education Program, they may be well on the way to meeting the requirement.

To help school districts develop wellness policies, the Reauthorization Act requires the Secretary of the U.S. Department of Agriculture (USDA), in coordination with the Secretary of the Department of Education (ED) and in consultation with the Secretary of the Department of Health and Human Services, acting through the Centers for Disease Control and Prevention (CDC), to make information and technical assistance available, on request, to LEAs, school food authorities, and state educational agencies.

These agencies have come together to establish Local Wellness Policy web pages, linked from USDA's Team Nutrition website at www.fns.usd.gov/tn. On these web pages are:

- Policy requirements;
- Who should be involved;
- Basic steps LEAs can take to get started immediately on creating and enacting a local wellness policy;
- Examples of model policy language, resources, and other guidance; and
- Links to additional resources.

These web pages will continue to be revised and expanded with materials and examples.

The before mentioned agencies also have established a group of collaborators representing education, school health, nutrition, physical activity, and obesity prevention experts to assist the federal agencies in identifying model language, examples of existing policies, and additional resources. A joint letter of notification from all three agencies has been sent to the State Superintendent or Commissioner and district superintendents of education (with a copy to the local school foodservice director).

We are committed to assisting LEAs in fulfilling the Congressional intent of this law – establishing healthy school nutrition environments, reducing childhood obesity, and preventing diet and physical activity-related chronic diseases. We look forward to providing LEAs with the guidance and technical assistance that might be needed in carrying out the goals of nutrition education, nutrition standards, physical activity and other school-based activities that are designed to promote student wellness.

Section 204 of Public Law 108-265 (June 30, 2004) Child Nutrition and WIC Reauthorization Act of 2004

SEC. 204 LOCAL WELLNESS POLICY

(a) IN GENERAL - Not later than the first day of the school year beginning after June 30, 2006, each local education agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C.1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for schools under the local educational agency that, at a minimum -

1. Includes goals for nutrition education, physical activity and other school- based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;
2. Includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with the objectives of promoting student health and reducing childhood obesity;
3. Provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to ... regulations and guidance;

4. Establishes a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and
5. Involves parents, students, and representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

(b) TECHNICAL ASSISTANCE AND BEST PRACTICES. -

(1) IN GENERAL - The Secretary, in coordination with the Secretary of Education and in consultation with the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall make available to local educational agencies, school food authorities, and State educational agencies, on request, information and technical assistance for use in -

- (A) Establishing healthy school nutrition environments;
- (B) Reducing childhood obesity; and
- (C) Preventing diet-related chronic diseases.

(2) CONTENT - Technical assistance provided by the Secretary under this subsection shall

- (A) Include relevant and applicable examples of schools and local educational agencies that have taken steps to offer healthy options for foods sold or served in schools;
- (B) Include such other technical assistance as is required to carry out the goals of promoting sound nutrition and establishing healthy school nutrition environments that are consistent with this section;
- (C) Be provided in such a manner as to be consistent with the specific needs and requirements of local educational agencies; and
- (D) Be for guidance purposes only and not be construed as binding or as a mandate to schools, local educational agencies, school food authorities, or State educational agencies.

(3) FUNDING -

- (A) IN GENERAL - On July 1, 2006 out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection \$4,000,000, to remain available until September 30, 2009.
- (B) RECEIPT AND ACCEPTANCE - The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.